

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**JAMES D. JOHNSON, as next friend to  
Olivia Y., et al.**

**PLAINTIFFS**

**vs.**

**CIVIL ACTION NO.: 3:04cv251LN**

**HALEY BARBOUR, as Governor of the  
State of Mississippi, et al.**

**DEFENDANTS**

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**DEFENDANTS' MOTION TO EXCEED PAGE LIMITATION REGARDING  
MEMORANDUM IN OPPOSITION TO PLAINTIFFS' MOTION FOR CONTEMPT  
AND FOR THE APPOINTMENT OF A RECEIVER**

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COME NOW, Defendants and file this Motion to exceed the page limitation for their Memorandum in Opposition to Plaintiffs Motion for Finding of Contempt and for the Appointment of a Receiver law stating as follows:

1. Rule 7(b)(5) of the Local Uniform Civil Rules provides that the movant's original and rebuttal memoranda briefs together may not exceed a total of thirty-five pages, and respondent's memorandum brief may not exceed thirty-five pages.

2. This litigation addresses many significant constitutional and legal issues important to both the Plaintiffs and the State of Mississippi. To properly brief all of the issues raised in Plaintiffs' Motion for Contempt and for the Appointment of a Receiver, it will be necessary that Defendants' Memorandum in Opposition to Plaintiffs' Motion for Contempt and for the Appointment of a Receiver exceed a total of thirty-five pages.

3. The undersigned counsel is aware that excessively long filings are not proper and every effort will be made to be as concise as possible.

4. Due to the self explanatory nature of this Motion, Defendants respectfully request that

they be relieved from filing a supporting memorandum.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court allow Defendants' Memorandum in Opposition to Plaintiffs' Motion for Contempt and for the Appointment of a Receiver to exceed the thirty-five page limit.

Respectfully submitted, this the 3<sup>rd</sup> day of December, 2010.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.  
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**CERTIFICATE OF SERVICE**

I, Dewitt L. “Rusty” Fortenberry, Jr., do hereby certify that on December 3<sup>rd</sup>, 2010, I electronically filed a true and correct copy of the foregoing document with the Clerk of court using the ECF system which sent notification of such to counsel as follows:

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SO CERTIFIED, this 3<sup>rd</sup>, day of December, 2010.

/S/ DEWITT L. (“RUSTY”) FORTENBERRY, JR.